IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Bail Appl..No. 3832 of 2007()

CRIME NO.149 OF 2007 OF PARAVUR POLICE STATION OF KOLLAM DISTRICT

: ACCUSED:

K.BALAKRISHNAN NAIR, AGED 62 YEARS,
S/O.KUTTAN PILLAI, SMITHA NIVAS,
KOTTAPPURAM CHERY, PARAVUR P.O. , KOLLAM DISTRICT.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
PARAVUR POLICE STATION, KOLLAM DISTRICT.

3. THE CIRCLE INSPECTOR OF POLICE,
PARAVUR, KOLLAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3832 of 2007

Dated this the 26th day of June, 2007

ORDER

Application for anticipatory bail. The petitioner now faces allegations under Section 304 I.P.C. Crime was initially registered under the caption “unnatural death”. In the course of investigation, it was revealed that the death occurred when the deceased hit on the rear of a bus. A further allegation was raised that he happened to hit on the rear of the bus when he was pushed by the accused. The incident took place on 26.03.2007. The injured succumbed to the injuries. The petitioner has now been arrayed as an accused. He apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not seriously oppose the said prayer and I am satisfied in the facts and circumstances of this case that the petitioner can be granted anticipatory bail subject to appropriate conditions. It is unnecessary in the circumstances of the case to advert to the facts in any greater detail.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 03.07.2007. He shall be enlarged on regular bail on his

executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 04.07.2007 and 05.07.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 03.07.07 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) without any sureties undertaking to appear before the learned Magistrate on 03.07.07.

(R.BASANT, JUDGE)

rtr/-